(For Disposal by Circulation.)

No. C. 581

.....1920-21.

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

Decentralisation of powers under the Stamp Regulation.

5461 CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

.....11th April ...1921. Offg. *Chief Secretary to Government.*

Extraordinary Member of Council. 20.4.21.

First Member of Council. 13.4

Second Member of Council. Opinion recorded.

5847 11.4.21

Third Member of Council.

15/4

G. R. S. III—1]

1918-19

GENERAL AND REVENUE SECRETARIAT.

(St)

NOTES.

File No. 23-18

FILE HEADING.

Decentralization of powers under the Stamp Regulation.

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

NOTES—First Sheet.

WD 1232—GPB—20,000—18-11-16

G. R. S. III-2]

General and Revenue Secretariat. | File No. 23 of 1918.

D.598
15-11-18

Serial No.

Extracts from file No. ~~243~~ 320-18 (E.A.G.,

--

Organization and Development subject No.2 for the 4 months May to September 18.

Relief to Deputy Commissioners and Amildars.

--

1. A statement of proposals received from - Messrs. C.S.Kuppusamiengar and N.Madhava Rao is put up, Most of the suggestions have already been given effect to or are under consideration. Proposals marked (1),(2) and (3) will be separa ly dealt with in the respective branches.

(Intd) N. M.
23/10

(Rev.Secy)

(Intd) B. R.
23/10

(Second Member)

2. Seen
(Intd) B.R.B.
32/10

GEN. & REV. SECRETARIAT
REVENUE.
15 NOV 1918
D7082

Proposal.

3. Some of the Deputy Commissioners powers under the Stamp Regulation may well be delegated to - the Assistant Commissioners in charge of the - Revenue Sub Division.

4. Forwarded to Revenue Branch for needful action.

N Madhava Rao

15.11.

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-3-18—S.

G. R. S. III-2

General and Revenue Secretariat.

File No. 23 of 1918

Serial No.

5. Dy. Comrs. have at present power to

	Section
(1). Adjudicate the amount of stamp duty payable on documents presented to them for that purpose.	31
(2). Certify payment of stamp duty and penalty paid.	32 and 42
(3). Power to refund penalties levied	39
(4). Power to sanction refunds of spoilt or unless stamps	49 and 54

As the Comr. of Stamps is now the Chief controlling Revenue Authority for stamps Revenue, it is a point for consideration whether the Comr. of Stamps is to be consulted in the matter.

Submitted for orders with a draft.

18-11-18

by The powers reposed & above vested in the Dy Comrs of

19-11-18

NOTE—Contn. sheet.

(4)

7012

G. R. S. III-2j

General and Revenue Secretariat. | 81 File No. 23 of 1916.

Serial No.

of Districts are statutory powers, the delegation of which is nowhere authorised in the Regn. The only section which authorises any sort of delegation is that relating to the power of Govt to appoint a chief Controlling authority for stamp affairs (Sec 2). Whether delegation by Deputy Commrs to Asst Commrs in charge of divisions of some of their powers may be made without transgressing the provisions of the Regn. is a matter for consideration. Whether a procedure similar to that in vogue in the case of the C.P. Regn may be adopted, may also be stated? If an amendment of the Stamp Regn. is necessary the way in which it might be done without any great change in the Regn. itself may also be noted upon.

80 95

Revd 20/12

Legl. Section
Chief Sett

Submitted

MK
18/12

MOR
20-12-18

1. Please put up references

GMM
4.1.19

Subs 8. copies of Mysore stamp Regn and Mysore land Requisition Regn are putup.

MOR
4-1-19

NOTE—Contn. sheet.

(5

G. R. S. III-2)

General and Revenue Secretariat. | St File No. R 3 of 1918-19

Serial No.

9. Under section 10 of the Stamp Regulation the term "Deputy Commissioner" means the Dy. Commr. of a district & includes any officer whom the Govt may by notification in the official gazette appoint in this behalf". It is intended that Sub Div officers can thus be empowered to perform all or any of the functions of a Dy Commr without an amendment of the Stamp Regn.

GEN. & REV. SECRETARIAT I REVENUE 7 JAN 1919

SBH
6-1-19.

Branch IV.

Seen
8.1.19 10. I am doubtful if the interpretation of the pol. branch given above can be accepted. Even under sec 10, a ~~general~~ delegation of the powers cannot be made by a notification in the case of a general class of officers such as Sub Division officers. Each officer will have in charge of a Sub Division

NOTE—Contn. sheet.

General and Revenue Secretariat. | Sec. File No. 23 of 1918.

Serial No.

to be separately notified as Exercising the functions of Government in this particular matter. The views of the Govt. Advocate may perhaps be obtained, and the matter then referred to Council of Ministers for opinion.

MK
8/1/19

(Temporary Member)

2638/13-1-19

II) I do not think that section 2-10 which defines the term Dy Secy and Minister delegates the powers of a Dy Secy. Nor does section 3 of the Interpretation Act apply. Under Sub-Delegation may be approved to perform the functions of a Dy Secy when a Dy Secy is appointed from delegation. Moreover the Govt Advocate may be consulted.

13/1/19

III) Forwarded with compliments to the Govt. Advocate for favour of opinion.

By order
for Secretary

15.1.19

U.O. No 570/18.19 dt 15.1.19.

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-3-18—S.

(1

G. R. S. III-2]

General and Revenue Secretariat. | S[illegible] File No. 23 of 191[illegible]

Serial No.

R.O. No 59/1918 dy 21. 1. 1919.

33725 Rev Sects All.

13) I do not think it is necessary to have the Stamp Regulation amended for the purpose referred to herein.

14) The question of delegation of authority arises as section 2 clause (10) of the Regulation does not provide for any such delegation.

15) Sub divisional officers or such other officers as Government may deem necessary may be appointed to be Deputy Commrs in respect of powers conferred under any Special sections of the Regulation, by notification in the official Gazette as contemplated by section 2 clause (10).

16) It may be noted herein for information of Government that all Sub Collectors, Hd. Asst Collectors, Dy. Collectors in charge of Divisions and Asst. Collectors who are 1st Class Magistrates & in charge of Divisions, have been appointed Collectors in respect of certain sections of the Stamp Act (ss. 16, 18, 31, 32, 38, 39, 40, 41, 42, 48, 49, 52 to 56, 61 to 73).

Flag I

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-3-18—S.

(6

G. R. S. III-2]

General and Revenue Secretariat. | File No. 2 of 191 6.

Serial No.

in force in British India, as per Notification No 541 dated 20-11-1899, Fort St George Gazette, 1899 page 1756).

17) All Registering Officers have also been appointed similarly in respect of Section 16 & all Tahsildars & Dy: Tahsildars in respect of sections 18, 49 & 52 & 55 of the Act. (vide B.P. No 320 dated 9-12-1899, & B.P. No 268/1716 R- Mis: 18-11-1908).

18) Under these circumstances there does not appear to be any objection to adopting a similar course here by appointing Revenue Sub Divisional Officers as Personal Asst.s to the Dy: Comrs or Trg Asst. Comrs as the case may be, as Dy. Comrs for purposes of the sections referred to, by publishing a notification to this effect in the Mysore Gazette.

19) The notifications issued by the Govt of Madras may be sent for reference if necessary.

21/1/1919. Asst. Commr & Govt. Addl Secy

Flag U

Flag V

Flag W

ND 22-1-19

NOTE—Contn. sheet.

Subd 22-1-19

WD A 1789—GPB—60,000—20-3-18—S.

(9

G. R. S. III-2]

General and Revenue Secretariat.

St. File No. 23 7082 of 1918.

Serial No.

20. Please put up the two Gazettes referred to by the Govt. advocate.

MK
23/1/19

Flag U

21. Submitted with an extract of the notification referred to in para 16 of the notes and copies of the Madras Revenue Board's Proces. referred to in para 17 of the notes.

24-1-19 24/1/19

Flag V and W

22. In madras it is seen that Collectors Exercise powers under nine Sections of the Regn than the 3 Powers in the State are vested & Exercise. I think the statement made in page 3 of the notes may be further scrutinised if the other sections shown in the madras notifn. are not equally applicable in the case of the State officers of similar status.

MK
25.1.19

* The stamp Regulation is based upon the Stamp Act of British India. And the powers exercised by Collectors there are exercised by the Dy. Comrs. in the State subd.

23. There is nothing to prevent Govt. from conferring the powers referred to in Madras Govt.'s Notification No. 511 dated 20th Nov. 1899 and B. P. No. 268/1716 R. Mis. dated 18th Nov. 1908 and on Asst. Comrs. and Amildars respectively, if Govt.

Flag U
Flag W

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-3-18—S.

(10

7082 236

G. R. S. III-2

General and Revenue Secretariat. | Sl. File No. 23 of 1918

Serial No.	
	deem it expedient to do so. subd. 24/ Submitted for orders in the above para 11. 30-1-19 31-1-19 MK 1-2-19 Temp. Members
	25/ Sir. Collector requesting the Excise Comr. may be asked for. 2 7/2 MK 26 Issue MK 10/2/19
2	The Comr. of Stamps. No 10311 d. 14.2.19 Invite his views re the delegation of the powers of Dy Comrs under the Stamp Regulation to Asst Comrs. in charge of Revenue Sub Divisions.
3	From the Comr of Stamps. No 15 dated 8th Jany 1919 with reference to the above forwards his views in the matter referred to above.
24	Submitted for orders.
25	To the Comr of Stamps expressing the Excise views noted on the Govt

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | 82 File No. 29 of 1918.

Serial No.	
	Advocate's letter noted supra.
	Refers not. compliⁿ. thereof put up. Not. adv. d 7th Oct. 1915. also copy of Jagganath Iyer's stamp act. Enquiry whether it is necessary for the offrs & whom the powrs are proposed to be transfrd, to exercise any magisterial functions. 30/7/19.
39	Solicitor's letter with reference and a copy of Jagganatha's Stamp Act as desired. Examined the Sections in question. It seems not necessary for any officers in question to exercise any magesterial functions. 1/8/19.
	Both the Secretariat and the Govt. advocate approve of the proposed delegation of powrs to assistant Commissioners in charge of divisions, under the sections of the Stamp Act noted in the list put up, on the ground that such powrs are exercised by officers of similar status in Br. India. A notification in the line of Flag V

Flag T.

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-3-18—S.

G. R. S. III-2]

General and Revenue Secretariat. | Stamps File No. 23 of 1918.

Serial No.

bill if approved be put up.

MK 13.8.19

(Revised) 32 yes, & submitted to 3rd member & Dewan. MK 14.8.19.

MK 14/8/19.

33. Submitted with a draft minute Notification in accordance with para 30 and 31 of the notes.

22-8-19 MK 22/8/19

34) The madras Govt. notifn. Flag V. includes delegation of powers & Registering offices also under sec 16 of the Regn. Whether it is not necessary & notify this also in the case of Registering offices in Mysore is a point for orders.

35) The status of registering offices here is the same as that in madras.

36) Draft notifn empowering Assistant Commissioners only is put up for orders.

MK 23/8/19

25.8.19 Third member & Dewan

37) I am inclined to think that it should be sufficient to delegate if at all to the S.D.Os for the purposes of powers under Secs 49, 52, 53, 53 & 58

NOTE—Contn. sheet.

284.

G. R. S. III-2]

General and Revenue Secretariat. | SA File No. 2 3 of 1919.

Serial No.

[illegible] At any rate I should like to have the opinion of the Dep[uty] Com[missioner] in the matter. A circular letter may be addressed to them informing them that a [illegible] has been made for the investment of Govt money under the powers of the Dep[uty] Com[missioner] under the Stamp Act regarding the Collector of Com[missioner] of Stamps and asking them to favour us with their opinion in the matter

Sd
20/8/19
Asst

38.
Submitted as the draft.

11/9 DS
2/9
Init

39. Issue as issued and keep fair dft in file.

MK
3/9/19

4 The Dy Com[missioner] of Dhd
No R 3428—35 dt. 10.9.19
State In view their opinion in the matter of ~~conducting~~ investing Asst Com[missioner] in charge of Sub Div. with certain powers under some sections of the Stamp Act

Signature

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-3-18—S.

Dt. 708

[G. R. S. III-2]

General and Revenue Secretariat. | Stamps File No. 25 of 1918

Serial No.

6 From the Dy Com Shemoga
No D2 dtd 213 1918. d. 18 Sept 1918
with reference to serial 4 furnishes his
opinion in the matter of investing Bond
Com in charge of Sub D as with
the powers of the Dept Com under
certain sections of the Stamps Regn.

7 From the Dy Com Chitaldrug
No D2 dtd 628. d 26 Sept 18
furnishes his opinion with reference
to serial 4.

8 Submitted for perusal. The opinions
of the other Dy Coms may be awaited

9.10.18 41. Seen. May I send up the file
one at this stage. Can't the Supdt. instruct you?
3/10.

42 Subs. The Dy Coms of Bs have
submitted their views except
Bangalore and Kadur. As the
Com's & Stamps' opinion on the
file does not embody any of the
views, draft Calcup & Revised
views is subs for approval or
other orders. Not necy.

43 Some reminders to three D.Cs
from whose reports the yet one

44 Do reminder Subs

615

5. From the Dy Com Tumkur No D2 dtd 393 d. 15 Sept 18 furnishes his opinions with reference to serial 4.

D.O. reminder sent to the D.C. Kadur before 5

NOTE—Contn. sheet.

(15

2668

G. R. S. III-2]

General and Revenue Secretariat. | Sh File No. 23 of 191 D.

Serial No.

11. From the Dy Com Bangalore Dd
D2 ors215 D. 20. 6 Sep. 1920.
20.2.
States with reference to Serial 4
that only officers who have passed
the 1st Exam may be invested
the powers referred to.
No reply yet. Dy Com Kadur Dd
May be awarded
Yes DM
4/10. 4/10

4-10

5 From the Dy. Comr., Tumkur.
No. D2 ors. 393 dated 16-9-19.
States that he agrees to the
proposals made in Serial 4.

8 From the Dy. Comr, Mysore
No. 267 dated 24-12-19.
States that he agrees to the
proposal to invest Asst. Comrs.
with the powers proposed in
Serial 4.

9 From the Dy. Comr., Kolar
No. D. 4994 dated 5-1-20.
Agrees to the proposals
made in Serial 4 subject to
certain reservations and
requests that an additional

NOTE—Contn. sheet.

(17) 58

Powers delegated as

Officers		Remarks
1. Amildars	duly authorised under s. 58(2) of the Act	
2. Asst. Comrs		
	(a)	Endorsement of duty and penalty paid.
	(b)	Referring doubtful cases under Chapters IV and V to the Chief controlling Revenue Authority (viz. the Comr. of Stamps)
	(c)	To refund penalty paid.
	(d)	To institute prosecutions.

R. S. III-2]

General and Revenue Secretariat. | Sl File No. 23 of 1918

6008
7668

(1-2)

Serial No.

L

Submitted for orders.

W-2-2(1)/2

C.W.
I will discuss this with you. CR
11.2.21

47. The majority of the officers consulted agree that S. D. O's may be appointed under Sec 10. to perform the functions of Dy. Comrs in respect of Secs 9 & 10 of the Stamp Regn, referred to by the Govt. advocate in para 16, supra. These powers are being exercised by a similar class of officers (S. D. O's) in Madras and no dire results have followed.

48. The fears expressed by the dissenting officers (D. C's of Bangalore) need not therefore deter Govt. The lack of training in civil law" is a disability which most of the Dy. Comrs have in common with S. D. O's.

Yes. The view of the D.C. Bangalore is a little far fetched. It seems to me Rees

CR
9.3.21

(Rev. Sec.)

49. The general concensus of opinion may be acted upon — (2nd member) MM 14.3.21

4653-271
14.3.21

50. I agree & A.

Rees
15.3.21

MM

IE—Contn. sheet.

(20

G. R. S. III-2]

General and Revenue Secretariat. | File No. 23 of 1914

Serial No.

51. Rec. file, to be circulated to the Dewan & other members of Council, as the question seems to be an important one.

Rev. Sec.) 26.3.4

52. A draft order should be put up to facilitate consideration. It may then be sent to 2nd member & Dewan.

29.3.21.

53. Powers under Sections 16 and 18(a) have been delegated already to the Amildars. (Vide flags G and Z). In draft notifn. now put up, the powers already delegated are included with a view to consolidate the Rules in the matter in one Notification and thus make reference easier.

31-3-21 31/3

Second Member)

P.J.O 1-4

NOTE—Contn. sheet.

6008

G. R. S. III-2]

General and Revenue Secretariat. | 81 : File No. 23 - of 1918.

Serial No.

5014.25

1.4.21.

54/ Dewan approves.

55/ May be dealt with by circulation after the Dewan approves.

Peel
2-4-21

DEWAN'S OFFICE.
Recd. on APR 4 1921
Reg. No. 6239

(Dewan)

56. Papers

5.4.21

Chitnis
Circulation Complete.
hm
6.4.21.

57. Circulated

Circulation Complete.
Rev. Secy. with Compliments

58/

59. Orders for submission (Dewan)
to 2nd member

hm
23.4.21.

60. Submitted with a draft.

~~Orders.~~

~~25-4-21~~

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

St. File No. 23 of 19 16

Serial No.

60. Submitted with a D.F.N. and D.S.N.

25/4/21

(1) Subd. for approval

2nd member)

27-4-21

Please next copy if revised D.F.N. in the file

27.4.21

Submitted with a clean copy of the revised D.F.N.

5671-333

28-4-1921.

(2) D.F.N. approved

Dewan)

29.4.21

30.4.21

30.4.

DEWAN'S OFFICE.
Recd. on MAY 2 1921
Reg. No. 6865

NOTE—Contn. sheet.

Final Note by the Second Member of Council.

Subject:—

Delegation of the powers of the Deputy Commissioner, under the Stamp Regulation, to Assistant Commissioners in charge of Revenue Sub-Divisions.

---

(3) These papers relate to the proposal to delegate most of the powers of Deputy Commissioners, under the Stamp Regulation, to Assistant Commissioners in charge of Revenue Sub Divisions. A similar delegation of powers was effected in the Madras Presidency long ago; and a corresponding measure of decentralization is overdue in the State.

2. (4) The proposal may therefore be graciously approved.

S. Raghavendra Rao
30.4.21

30th April 1921. MEMBER OF COUNCIL.

P.J.O

24

Submitted to His Highness.

65

I submit herewith a Final Note by the....Second...

Member of Council on the subject of....delegation of...

the powers of the Deputy Commissioner under the Stamp

Regulation to Assistant Commissioners in charge of

Revenue Sub-Divisions,

for His Highness' gracious approval.

Veeraraghavachariar

3-2-1921

Dewan.

P. J. O

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Delegation of the powers of the Deputy Commissioner, under the Stamp Regulation, to Assistant Commissioners in charge of Revenue Sub Divisions.

1157

(b)

Order.

~~KRW~~

5/5/21

Rem. by

6.5.21

1

615

P.J.O

C 581

G. R. S. III-2]

General and Revenue Secretariat.	File No.	of 19 .

Serial No.

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at headquarters and then sent to the Secretariat concerned for the issue of orders.

67 Circulated to the Members of Council for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Govt.

9.5.21

Through the Secretary to Government,
.....Revenue.....Department.

FIRST MEMBER OF COUNCIL

5931-194.
11.5.21.

687

SECOND MEMBER OF COUNCIL. Seen 12.5.21

6403
14.5.21

THIRD MEMBER OF COUNCIL. 14/5

NOTE—Contn. sheet.

681 Rev. Secy. with Compliments.
17/5 18/5/21
18.5.21

G. R. S. III-21

General and Revenue Secretariat. | S/N. File No. 23 of 1918

Serial No.	
	Subject 1) May the draft issue? A.M. 19/5/21 2) I should think so! are there any more formalities? A 19-5-21
13	To The Compiler No R 13571 dt 2-6-1921 Directs re publication of the Notification & furnishing printed Copies to Revenue Secretariat offices etc To Revenue Commissioner No 13572 dt 2-6-21. Forwards the above Copy of Notfn
	To The Commr of Stamps No 13573 dt-2-6-1921 Forwards the Copy of the above Notfn

NOTE—Contn. sheet.

G. R. S. VI—G/32]

SUBJECT Decentralization of powers under the Stamp Regulation

Diary No. of letter replied to 7082

Section St
File No. 23-18
Serial No. 2

GENERAL AND REVENUE SECRETARIAT,
( )
, the 191

No. 10311 S/14.2.19

Date of issue 14.2.19

Signed by M B T. Kesava[illegible]

To

The Comr. of Stamps,

Sir,

I am directed to request you to favour Govt. with your views regarding the desirability or otherwise of delegating some of the powers exercised by the Comrs. under the Stamp Regulations to Asst. Comrs. in charge of Revenue Sub-divisions.

I have etc.

over.

Secy to Govt.

Office of the Commissioner of Stamps
in Mysore,
Dated Bangalore, 8th July 1919.

No. 15

From

K. CHANDY ESQ.,B.A.,
Commissioner of Stamps
in Mysore, Bangalore.

To

B. Ramaswamaiya Esq.,B.A.,B.L.,
Secretary to the Government of
H. H. the Maharaja of Mysore,
Revenue Department, Bangalore.

Sir,

In reply to your letter No.St.10311/23-18-2, dated 14th February 1919, requesting to be furnished with my views in the matter of delegating any of the powers exercised by Deputy Commissioners under the Mysore Stamp Regulation to Assistant Commissioners in charge of Revenue Sub-Divisions, I have the honor to state that from a Notification No.511 dated 20th November 1899 and the Proceedings of the Board of Revnoue No.320 dated 9th December 1899 as cited at page 28 of the Indian Stamp Act by Mr.K. Jagannatha Iyer, (Third Edition), I find that all Sub-Collectors Head Assistant Collectors, and Deputy Collectors in charge of divisions and Assistant Collectors who are first Class Magistrates and in charge of divisions in the Madras Presidency have been appointed to be Collectors, within the limits of their respective jurisdictions in respect of the powers conferred by Sections 16,18,31, 32,38,39,40,41,42,48,49,52,to 56, 61 and 73 of the Indian Stamp Act which correspond to Sections 16,18,31,32,38,39,40,41,42,48,49 52 to 56,61 and 73 respectively of the Mysore Stamp Regulation.

Assiatant

GPB—50,000—17-9-15

Reps 19

From

The Commissioner of Stamps
in Mysore, Bangalore.

To

The Secretary to Government of
H. H. the Maharaja of Mysore,

Dated Rev. Dept. Bangalore

Despatched 8th July '19.

Received

General No. 15

No.

Enclosure No. -

In the Matter of delegating certain of the powers exercised by Deputy Commissioners under the Mysore Stamps Regulation to Assistant Commissioners in Charge of Revenue Sub-Divisions.

Stating that Asst. Commissioners in Charge of Revenue Sub-Divisions in Mysore have already been appointed Vice Dy. Commissioners in respect of the powers conferred by Sections 18(2) & 16 of the Mysore Stamp Regulation and asking they may be appointed in respect of the powers under the other Sections also of the Regulation mentioned.

8/7

31

Assistant Commissioners in charge of Revenue Sub-Divisions in - Mysore have already been appointed to be Deputy Commissioners in respect of the powers conferred by Sections 18 (a) and 16 of the Mysore Stamp Regulation in Notifications No.Fl.1708--S.R.107-14-3 dated 7th October 1915 and No.Fl.1997--S.R.103-14-1, dated - 5th November 1915 respectively and I think that they may be - appointed as such in respect of the powers under the other - Sections also of the Regulation mentioned above.

Flag L and G.

I have the honor to be,

Sir,

Your most obedient servant,

K Chandy

Commissioner of Stamps.

7/7/19.

NSN.
7-7-19.

Secs 2-19

Deputy 4/9

G. R. S. VI—G/32]

SUBJECT Re the Delegation of powers exercised by Board of Revenue to Asst Comrs in charge of Revenue Sub Divs.

Diary No. of letter replied to 0284

Section Stamps

File No. 23 · 18

Serial No. 4

GENERAL AND REVENUE SECRETARIAT

( )

, the 191 .

No. R. 3428-35

Date of issue 10. 9. 19

To

The Board of Revenue

Signed by Mr. B. T. Venkatadyengar Bsc

I am directed to request you to favour Government with your opinion in the matter at an early date regarding the desirability or otherwise of delegating any of the powers exercised by Board under the sections of the Stamp Act noted on the margin to Asst Comrs in charge of Revenue Sub Divs.

By order

I have &c

State that a suggestion has been made by Asst Comrs in charge of divisions with powers of Deputy Collectors under the marginally noted sections of the Stamp Act and it

Sections	
18	of the Stamp Act
31	
32	
38	
39	
40	
41,	
42	
48	
49	
52 to 56	
61	
73	

over.

For Secy to Govt

Revenue Dept

Dy Secy

2/9

Ssn 2 (9)

5/9

Dis 2380 14

8022

Office of the Deputy commissioner,
Shimoga district,

Dated, Shimoga, the 18/19th September 1919

No D2 dis 213 Ann 1919-20.

To

T. S. Jagannatha Iyer Esq B.A., B.L.,
Deputy commissioner,
Shimoga district

To

B. Ramaswamaiya Esq B.A., B.L.,
Secretary to Government,
Revenue department,
Bangalore.

Sir,

With reference to your letter No: 3428-35/St 23-16-4 dated 10th instant calling for my opinion in the matter of investing Assistant commissioners in charge of Sub divisions with the powers of the Deputy commissioner under the marginally noted sections of the Stamp Regulation, I have the honor to state that with the exception of the powers under sections 61 & 73

Sections 18, 31, 32, 38, 39, 40 41, 42, 48, 49 52 to 56, 61 & 73 of the Stamp Regulation

which relate to the revision of certain decisions of Courts regarding the sufficiency of stamps and the authorising of inspection of registers, books etc respectively, the powers above referred to may be conferred upon Assistant Commissioners in charge of Sub-Divisions.

I have the honor to be,

Sir,

your most obedient Servant,

Deputy Commissioner,

Bhimoja District

No. 2386/19-9-19
Dy St 23-18-7

Office of the Deputy Commissioner,
Chitaldrug District.
Dated Chitaldrug, 26th September 1919.

From

V. Venkata Rao Esquire B.A.,
Deputy Commissioner,
C H I T A L D R U G.

To

B. Ramaswamaiya Esquire B.A.,B.L.,
Secretary to the Government of
H. H. the Maharaja of Mysore,
Revenue Department, Bangalore.

Sir,

With reference to your letter No.R.3428-35/St 23-18-4 dated 10th September 1919 re furnishing my opinion in the matter of delegating powers of the Deputy Commissioner under certain sections of the Stamp Regulation to the Assistant Commissioners in charge of Divisions, I have the honor to state that the powers under the said sections of the Stamp Regulation may be delegated to the Assistant Commissioners in charge of the Divisions.

I have the honor to be,
S i r,
Your most obedient servant,

Deputy Commissioner,
Chitaldrug District.

S.V.

0328

WD.1511—GPB—50,000—20-3-19—S.

1919-20.

From The Deputy Commissioner
Chitaldrug District
Chitaldrug

To The Secretary to the
Government of H.H. the
Maharaja of Mysore
Revenue Department
Bangalore.

Dated

Despatched 26th September 1919

Received 29 Dec 1919

General No. 2 Rev 19-20

No.

Enclosure No. 29 SEP

Stating that the powers under the Sections in question of the Stamps Regulation may be delegated to the Assistant Commissioners in Charge of the Divisions

Mr. JKS

No. Otc 267
4-20

St 23-18-8

Office of the Deputy Commissioner,
Mysore District,
Dated, Mysore, 24th December 1919.

St. 23-18-8.

Rev
4806
2-1-20

From.

P.F.Bowring, Esquire.,
Deputy Commissioner,
Mysore District.

To.

B.Ramaswamiah, Esquire, B.A., B.L.,
Secretary to the Government of His Highness
the Maharaja of Mysore, Revenue Department,
Bangalore.

Sir,

With reference to your letter No. R. 3428-35/St.23-18-4 dated 10th September 1919, calling for my opinion on the suggestion of investing the Assistant Commissioners in charge of Divisions with the powers of the Deputy Commissioner under the marginally noted sections of the Stamp Regulation, (x) I have the honor to state that theAssistant Commissioners may be invested with the powers under the marginally noted sections.

I have the honor to be,
Sir,
Your most obedient servant,
V Ramachandra
For Deputy Commissioner,
Mysore District.

BNR.

16[illegible]9 WD 0463—GPB—8,00,000—21-7-17—S.

191

From

The Deputy Commissioner,

Mysore District.

To

The Secretary to Government,

Revenue Dept. Bangalore.

Dated 24th December 1919.

Despatched

Received

General No.

No.

Enclosure No.

Stating that the Assistant Commissioners in charge of Divisions may be invested with the powers of the Deputy Commissioner.

(x)
18, 31, 32, 38, 41, 42, 48, 49, 52, to 56, 61 and 73.

D No. 4994 9-1 C&T

St. 23-18-9

Deputy Commissioner's Office,
Kolar District,
Dated Kolar, the 5th January 1920.

From

Md. Zahiruddin Mecci, Esquire., B.A.,
Deputy Commissioner, Kolar District.

To

B. Ramaswamaiya, Esquire., B.A., B.L.,
Secretary to the Government of Mysore,
Revenue Department, Bangalore.

Sir,

Adverting to your letter No.R.3428-35/St.23-18-4 dated 10th September 1919, desiring me to submit my opinion about the suggestion made to Government to invest Assistant Commissioners in charge of Sub Divisions with the powers of the Deputy Commissioner under certain Sections of the Stamp Regulation, I have the honor to state that I see no objection to delegate the powers to the Sub Division Officers under -- Sections 18, 31, 32, 38, 40, 41, 48, 49, 52 to 55 and 73 of the Stamp Regulation.

2. Power to order refund under Section 39 of the duty and penalty levied by other Officers or Courts under Section 38 (Clause 1) may continue to be exercised only by the Deputy Commissioners, since the delegation of such powers to Officers subordinate to the Deputy Commissioner, may not always be -- expected to be free from disputes arising from conflicting -- opinions between the Courts and such Officers especially when the presiding Judges of the Courts and the Sub Division Officers are almost of the same grade and status. Similarly the power to order prosecutions of persons committing offences under -- Sections 43 and 61 Clause 4, of the Regulation should be subject

17253

191

From

The Deputy Commissioner,
Kolar District.

To

The Secretary to the Government
of Mysore, Revenue Department,
Bangalore.

Dated 5th January 1920.

Despatched 6/1/'20

Received 8 JAN 1920

General No. D. Dis 132/19-20

No.

Enclosure No. Mr J. K.

Submitting opinion re investing Revenue Sub-Divisional Officers with certain powers under Stamp Regulation

to the previous sanction of the Deputy Commissioner.

3. Powers exerciseable by the Deputy Commissioner under certain Chapters specified in Section 56 of the Stamp Regulation are subject to the control of the Chief Controlling Revenue -- authority under the Stamp Law; and the Deputy Commissioners has to obtain the decision of such authority in cases where he entertains doubts regarding the sufficiency or otherwise of the -- Stamp duty. If the powers of the Deputy Commissioner are -- delegated to the Sub Divisional Assistant Commissioners, the -- Deputy Commissioner should have similar controlling powers, in order to enable him to give his decision on the points referred to him by the Sub Division Officers.

4. I may add in this connection that the Sub Division Officers whose opinion was called for in this matter, are -- unanimously of opinion that the investiture of such powers, -- would involve a good deal of clerical work which the present staff of their Offices would not be able to cope with and urge for an additional hand on Rs.35 or 40. I may add in this connection that this work forms only half of the work that is now being done by a single clerk on Rs.40/- in the District Office and as this again is to be divided into 3 portions according to the number of Sub Divisions in the District, the representation of the Sub Division Officers does not seem well founded.

I have the honor to be,

S i r,

Your most obedient servant,

Deputy Commissioner,
Kolar District.

Dno 6618/20

12-D-19 — 24c

4

OFFICE OF THE DEPUTY COMMISSIONER,
HASSAN DISTRICT.

Dated, Hassan; the 8th March 1920.

St-23-18-10

From

B. VENKOBA RAO, Esq., B.A.,
Deputy Commissioner,
HASSAN DISTRICT.

To

B. Ramaswamaiya, Esq., B.A., B.L.,
Secretary to the Government of Mysore,
Revenue Department, Bangalore.

Sir,

With reference to your letter No.R.3428-35 St.23-18-4 dated 10th September 1919 calling for my opinion whether Assistant Commissioners in charge of Divisions can be invested with the powers of a Deputy Commissioner under certain sections of the Stamp Regulation, I have the honour to state that power under section 18 is already been delegated to Assistant Commissioners and even Amildars in Government Notification No. Fl.1708 S.R.107-14-3 dated the 7th October 1915 and I am of opinion that power under sections 31, 32, 49, 52 to 55 and 73 may now be delegated to the Assistant Commissioners in charge of Divisions, powers under sections 38 to 42, 48, 56 and 61 being allowed to continue with the Deputy Commissioners only for the present.

I have the honour to be,
Sir,
Your most obedient servant,

B. Venkoba Rao

Deputy Commissioner,
Hassan District.

From

B. VENKOBA RAO, Esq., B.A

Deputy Commissioner,
HASSAN DISTRICT.

24-48

To

B. Ramaswamaiya, Esq°, B.A., B.L.,
Secretary to Government,
Revenue Department,
Bangalore.

Dated 8th March 1920

Despatched

Received 10 MAR 1920

General No. 11

No.

° Enclosure No.

Mr J. H.B.

Submitting opinion with regard to the investing, the Assistant Commissioners in charge of Sub Divisions with powers of Deputy Commissioners under certain sections of the Stamp Regulation.

ST. 23-18-11

D Dis 215
20-21

Office of the Deputy Commissioner,
Bangalore District,
Dated Bangalore, 20th September 1920.

D. No 2668
24.9.20

From

M. A. Narayana Iyengar, Esq., B.A., B.L.,
Deputy Commissioner,
Bangalore District.

Received
23 SEP 1920

To

B. Ramaswamaiya, Esq., B.A., B.L.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Revenue Department, Bangalore.

Sir,

With reference to your letter No.R.3428-35/ST.23-18-4 dated 10th September 1919, calling for my opinion in the matter of investing Assistant Commissioners in charge of Sub Divisions with the powers of a Deputy Commissioner under certain sections of the Stamp Regulation, I have the honor to state that the powers contemplated may not be given indiscriminately to all Sub Division Officers, as all of them are not well versed in Civil Law and as they do not possess a staff of officials sufficiently trained in the application of the Stamp Regulation. Officers who have passed the B.L.Examination or have attained the rank of Senior Assistant Commissioners may perhaps be invested with these powers.

I have the honor to be,

Sir,

Your most obedient servant,

M. A. Narayana Iyengar

Deputy Commissioner,
Bangalore District.

B.V.R.

D. G. R. S. VI—G/32]

SUBJECT Delegation of powers under the Stamp Regulation.

Diary No. of letter replied to

Section

File No. 2378

Serial No 13

General and Revenue Secretariat

( )

No. R 13541

, *the* 191

Date of issue 2-6-41

Signed by M. B. Ramaswamy

Notification.

Under Section 2, Clause 10 (b) of the Mysore Stamp Regulation and in supersession of previous notifications and the Govt. of H. H. the Maharajas of Mysore are pleased to appoint.

All Asst. Comrs. in charge of Sub-Divisions Personal Assistants to Dy. Comrs. and Dy. District Officers to be Dy. Comrs.

over.

in respect of the powers conferred under Sections 16, 18, 31, 32, 38, 39, 40, 41, 42, 48, 49, 52-56, 61 and 73 of the said Regulation within the limits of their respective ~~divisions~~ jurisdictions;

(2) all amildars to be exercised the powers of ~~the Collectors~~ or Commrs in respect of the powers conferred under Sections 16 and 18(2) of the said Regulation, within the limits of their respective jurisdictions.

By order

N. S.
28/5/21

Secy. to Govt.
Rev. Dept.

List of enclosures.

To

The Compiler Mysore Gazette, for publication in part III of the next with the request to forward two copies of the Notfn. to the Secretariat, and 300 copies to the Commr. of Stamps and 200 copies to the Rev. Comr.

Copied by

Examined by

G. R. S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

No. R. 13542 dated 2.6.21

Copy forwarded to the Rev. Comr. for information and necessary further action.

By order

Secy. to Govt.
Rev. Dept.

No. R. 13543 dated 2.6.21

Rec'd 2.4.21

Copy forwarded to the Comr. of Stamps for information.

By order

Secy. to Govt.
Rev. Dept.

31/5/21